THE HON'BLE SRI JUSTICE

P.S.NARAYANA

W.P.No.4850 of 2006

Dated:17.09.2007

Between

Andhra Pradesh Eastern Power Distribution Company Limted, Vizianagaram District Rep., by its Superintending Engineer, B.Ramesh Parasad.

…Petitioner

and

1.Asst.Provident Fund Commissioner (COMPL) Sub Regional Office, Marrepalem VUDA Layout, NDA Post, Visakhapatnam and others.

..Respondents

THE HON'BLE SRI JUSTICE

P.S.NARAYANA

W.P.No.4850 of 2006

ORDER:

WVMP No.2136 of 2007 is filed to vacate the interim stay granted on 20.03.2006 in WPMP No.6153 of 2006.

The writ petition is filed seeking a Writ of Mandamus declaring that the impugned prohibitory orders No.AP/VP/PD Cell/Vizan/AP 45055/8F/2006/781 dated 6.3.2006 issued by the 1st respondent directing the 2nd respondent to transfer a sum of Rs.61,277/- lying in the credit of the petitioner's bank account in favour of the Regional P.F. Commissioner, Visakhapatnam, under Section 8 F of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act') as arbitrary and illegal.

It is stated in paragraph three of the counter affidavit that the petitioner is an establishment covered under the provisions of the Act, and it failed to remit the dues in time and hence damages and interest were levied under Sections 14-B and 7 Q of the Act totalling to Rs.1,87,954/- vide proceedings dated 16.8.2005. Questioning the same, the petitioner filed WP No.25546 of 2005 and the same was disposed of directing the petitioner to approach the Appellate Tribunal and in the meanwhile the petitioner paid Rs.1,26,677/-, but failed to pay balance amount of Rs.61,277/- and for recovery of the same, the impugned order is issued. It is also stated that the petitioner has no stay order from the Tribunal and hence the impugned action of recovery for the balance amount is proper and just.

It is stated that the appeal filed by the petitioner is pending. The Appellate Tribunal is shown as 2nd respondent in the WVMP.

In view of the same, the Appellate Tribunal to dispose of the appeal at an early date. Till then, the interim stay granted by this Court to be operative.

Writ petition is disposed of accordingly. No costs.

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17-09-2007

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